

STATE OF MICHIGAN  
COURT OF APPEALS

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In the Matter of DEVIN GREEN, ANISHA  
GREEN, and IESHA MOODY, Minors.

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FAMILY INDEPENDENCE AGENCY,  
  
Petitioner-Appellee,

v

RICHARD D. MOODY,  
  
Respondent-Appellant.

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UNPUBLISHED  
November 17, 2000

No. 226368  
Kent Circuit Court  
Family Division  
LC No. 98-001049-NA

Before: Neff, P.J., and Murphy and Griffin, JJ.

PER CURIAM.

Respondent appeals as of right from the order of the Family Division of the Kent Circuit Court terminating his parental rights to the minor children under MCL 712A.19b(3)(c)(i) and (g); MSA 27.3178(598.19b)(3)(c)(i) and (g).<sup>1</sup> We affirm.

The family court did not clearly err in finding that the statutory grounds for termination were established by clear and convincing evidence. MCR 5.974(I); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). The original petition in the instant matter, issued in October 1998, alleged neglect of the minor children and failure to provide proper care and custody on the part of respondent. While the record in this case demonstrates that at the time of the termination hearing the respondent had made commendable efforts to turn around his life,<sup>2</sup> the record also contains clear and convincing evidence that respondent neglected the children and substantially failed to comply with the parent-agency agreement which he signed in December 1998. The family court

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<sup>1</sup> The children's mother voluntarily consented to termination of her parental rights and has withdrawn her appeal of that determination.

<sup>2</sup> At trial, respondent testified that he had recently become a changed person because of his religious beliefs; he represented that he had been sober for two months and gainfully employed for six months.

in effect found that respondent's efforts were too little, too late. We agree with the family court's assessment.

The parent-agency agreement required that respondent attend parenting classes, submit to appropriate assessments (for substance abuse and psychological evaluation), remain substance free and submit to random sobriety tests, attend biweekly therapy, and participate in weekly supervised visitation with the children. However, the foster care worker assigned to the case testified that respondent demonstrated an "overall lack of compliance with the treatment plan," and in fact, with the exception of visitation with the children, purposefully chose not to work on achieving the goals of the service plan. The foster care worker noted that respondent attended eleven out of sixteen parenting classes, thirty-seven out of forty-three supervised visits with the children, failed to attend any anger management classes, and went to only six out of sixteen scheduled therapy meetings at D. A. Blodgett Services. Respondent demonstrated physical violence toward the mother of the children, resulting in a domestic assault conviction in district court, and he violated the no contact order with the mother, stating that it had been lifted when it had not. Respondent never followed through with psychological evaluations, which were rescheduled at least twice. He reported falsely about his use of alcohol and cocaine, representing that he had been sober for a period of ten months. However, the record indicates that respondent tested positive for cocaine in January 1999 and was thereafter instructed to attend substance abuse assessments. Respondent failed to pursue such treatment, stating that he did not require it. Respondent failed to appear for two subsequent drug screens and tested positive for cocaine again in March 1999 and August 1999. The foster care worker concluded that respondent had failed to make substantial progress on serious issues, including substance abuse, anger management skills, and taking responsibility for the children.

On the basis of the above record, the family court concluded that although respondent was sincere and honest in his declaration of change and his desire to parent the children, he had allowed one year to pass without availing himself of the many services which had been offered and were available to him and, therefore, the statutory grounds for termination had been proven by clear and convincing evidence. We find no clear error in this conclusion.

Further, the evidence did not establish that termination of respondent's parental rights was clearly not in the children's best interests. MCL 712A.19b(5); MSA 27.3178(598.19b)(5); *In re Trejo Minors*, 462 Mich 341, 354; 612 NW2d 407 (2000). Therefore, the family court did not err in terminating respondent's parental rights to the children. *Id.*

Affirmed.

/s/ Janet T. Neff  
/s/ William B. Murphy  
/s/ Richard Allen Griffin